

MINUTES
Texas Board of Health Meeting
September 5-6, 2002

The September 5, 2002, meeting of the Texas Board of Health (Board) was called to order at 9:35 a.m., at the Texas Department of Health (TDH), 1100 West 49th Street, Room M-739, Austin, Texas. Mario R. Anzaldúa, M.D., Chair, presided. A quorum was present with members George H. McCleskey, Vice-Chair, Raymond Hannigan, Margo Scholin, B.S.N., M.S., J.D., Amanullah Khan, M.D., Ph.D. and Beverly Robinson, Ph.D., R.N., C., in attendance.

Registered Guests

Melitta Bustamante, Legislative Budget Board
Regina Martin, Legislative Budget Board
Katrina Daniel, Sunset Commission
Janelle Collier, Sunset Commission
Raika Hammond, Sunset Commission
Vanessa Gonzalez, Sunset Commission
Robin Chandler, Representative Maxey's Office
Jennifer Banda, Speaker Pete Laney's Office
Susan Griffin, Texas Medical Association
Ernie Schmid, Texas Hospital Association
D. B. Willey-Coursand, Christus Santa Rosa Children's Hospital
Guy Sheppard, D.V.M., Texas Veterinary Medical Association
Janie Carpenter, Texas Veterinary Medical Association
Ann Macfarland, Texas Veterinary Medical Association
Chris Copeland, Texas Veterinary Medical Association
Marc Cox, D.V.M, Texas Veterinary Medical Association
Rick Bonart, D.V.M.
Bob Rogers, D.V.M.
Jackie Cole, Campeche Cove Animal Hospital, Galveston
Dr. Peggy Smith, Chair, Family Planning Advisory Committee
James Kolker, Chair, Prostate Cancer Advisory Committee
Edna Dougherty, Chair, Promotor(a) Advisory Committee
Robert Warren, M.D., Ph.D., M.P.H., Chair, Children with Special Health Care Needs (CSHCN) Advisory Committee
Rhonda Fox, CSHCN Advisory Committee
Lou Baum, CSHCN Advisory Committee
Fred Eddington, CSHCN Advisory Committee
R. Treadwell, M.D., CSHCN Advisory Committee
Cynthia Douglas, CSHCN Advisory Committee
Martha I. Ornelas, CSHCN Advisory Committee
Elaine Hime, CSHCN Advisory Committee
Michelle Smith, Chair, School Health Advisory Committee
Dr. Michael D. Vaclav, Chair, Oral Health Services Advisory Committee
Tom Foegelle, Chair, Indigent Health Care Advisory Committee
Mary L. Richardson, Mission Pharmacal Company, San Antonio

Frank Jackson, Bristol-Myers Squibb Company

Lisa Breda, Merck Vaccine Division

Erin Florence Jones, OZ Systems

Susan Maxell, Texas Council for Developmental Disabilities

Dr. Anzaldua welcomed guests. Also in attendance at the meeting were Charles E. Bell, M.D., Executive Deputy Commissioner, and other key staff members of TDH.

ON A MOTION MADE BY MR. MCCLESKEY AND SECONDED BY MR. HANNIGAN, THE MINUTES OF THE JULY 25, 2002 TEXAS BOARD OF HEALTH MEETING WERE APPROVED.

A Resolution was presented in recognition of September 2002 as Food Safety Month.
(*Attachment I*)

A Resolution was presented in recognition of October 2002 as Disability Awareness Month.
(*Attachment II*)

Dr. Bell presented the Commissioner's Report and extended congratulations to Dr. Anzaldua for participating at a 100 percent level in two vaccine areas of the Clinic Assessment Software Application (CASA) program, which is an assessment tool for health care provider's current vaccination coverage levels in particular medical practices. (*Attachment III*)

Rick Danko, Dr. P.H., Director, Office of Strategic Health Planning, presented an update on the state strategic health planning process. No action was taken. (*Attachment IV*)

Ms. Jayne Nussbaum, Director, Office of Governmental Relations, presented the remaining proposed legislative initiative for the 2003 legislative session and requested approval to obtain stakeholder input and move forward with session preparations. (*Attachment V*)

A discussion followed among Board members, Dr. Stanley and Dr. Bell regarding the issues involved in assisting other states, and possibly Mexico, in treating patients for tuberculosis at the Texas Center for Infectious Disease.

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED THE PROPOSED LEGISLATIVE INITIATIVES FOR THE 2003 LEGISLATIVE SESSION.

Mr. Alan Morris, Director, Toxic Substances Control Division, presented appointments for three non-consumer and one consumer to fill vacant positions on the Asbestos Advisory Committee for terms ending August 31, 2007. (*Attachment VI*)

ON A MOTION MADE BY DR. ROBINSON AND SECONDED BY DR. KHAN, THE BOARD APPROVED THE FOLLOWING APPOINTMENTS TO THE ASBESTOS ADVISORY COMMITTEE WITH TERMS TO EXPIRE ON AUGUST 31, 2007:

- NED BURLESON, NON-CONSUMER
- FREDY POLANCO, NON-CONSUMER
- JOSE M. RAMIREZ, NON-CONSUMER
- CHARLES CONEWAY, CONSUMER

Mr. Joe Walton, Office of Health Information and Analysis, presented appointments for two representatives of the hospital industry, one representative from the Texas Department of Mental Health and Mental Retardation, two representatives from the insurance industry and one consumer representative to fill vacant positions on the Hospital Data Advisory Committee. (*Attachment VII*)

ON A MOTION MADE BY DR. ROBINSON AND SECONDED BY DR. KHAN, THE BOARD APPROVED APPOINTMENTS TO THE HOSPITAL DATA ADVISORY COMMITTEE TO SERVE TERMS AS FOLLOWS:

- MR. ANTHONY S. SALA, JR., REPRESENTATIVE OF THE HOSPITAL INVESTOR-OWNED INDUSTRY, TO SERVE A SIX-YEAR TERM ENDING DECEMBER 31, 2008
- MS. VIVIAN ROSE, REPRESENTATIVE OF THE HOSPITAL NONPROFIT INDUSTRY, TO COMPLETE REMAINDER OF A SIX-YEAR TERM ENDING DECEMBER 31, 2004.
- MR. BILL MANLOVE, REPRESENTATIVE FROM THE TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION, TO SERVE A SIX-YEAR TERM ENDING DECEMBER 31, 2006.

- MS. CANDUS M. ATER, REPRESENTATIVE OF THE INSURANCE INDUSTRY, TO SERVE A SIX-YEAR TERM ENDING DECEMBER 31, 2006.
- MS. TRISH M. O'DAY, REPRESENTATIVE OF THE INSURANCE INDUSTRY, TO COMPLETE THE REMAINDER OF A SIX-YEAR TERM ENDING DECEMBER 31, 2008.
- MS. MARIANNE F. FAZEN, CONSUMER REPRESENTATIVE, TO SERVE A SIX-YEAR TERM ENDING DECEMBER 31, 2006.

Ms. Yvonne Feinleib, Professional Licensing and Certification Division, presented appointments for three registered code enforcement officers, two consumers, one of which must be a certified building official, and one person involved in the education and training of code enforcements officers to fill vacant positions on the Code Enforcement Officers' Advisory Committee. (*Attachment VIII*)

ON A MOTION MADE BY DR. ROBINSON AND SECONDED BY MR. MCCLESKEY, THE BOARD APPROVED APPOINTMENTS TO THE CODE ENFORCEMENT OFFICERS' ADVISORY COMMITTEE TO SERVE TERMS AS FOLLOWS:

- MS. MAYRA D. HYPOLITE, REGISTERED CODE ENFORCEMENT OFFICER, TO SERVE A TERM ENDING DECEMBER 31, 2005.
- MR. GENARO P. MARTINEZ, REGISTERED CODE ENFORCEMENT OFFICER, TO SERVE A TERM ENDING DECEMBER 31, 2007.
- MS. DARLENE H. MAYS, REGISTERED CODE ENFORCEMENT OFFICER, TO SERVE A TERM ENDING DECEMBER 31, 2009.
- MR. ROY E. LEWIS, CONSUMER CERTIFIED AS A BUILDING OFFICIAL, TO SERVE A TERM ENDING DECEMBER 31, 2005.
- MR. ALBERT GODWIN, CONSUMER, TO SERVE A TERM ENDING DECEMBER 31, 2007.
- MR. DAVID J. MOORE, PERSON INVOLVED IN EDUCATION AND TRAINING OF CODE ENFORCEMENT OFFICERS, TO SERVE A TERM ENDING DECEMBER 31, 2009.

Ms. Yvonne Feinleib, Professional Licensing and Certification Division, presented appointments for seven committee positions to serve on the Registered Sanitarian Advisory Committee. (*Attachment IX*)

ON A MOTION MADE BY DR. ROBINSON AND SECONDED BY MS. SCHOLIN, THE BOARD APPROVED APPOINTMENTS TO THE REGISTERED SANITARIAN ADVISORY COMMITTEE TO SERVE TERMS AS FOLLOWS:

- MS. GINGER SHAFFER, REGISTERED SANITARIAN, TO SERVE A TERM ENDING DECEMBER 31, 2005.
- MS. SANDRA LONG, REGISTERED SANITARIAN, TO SERVE A TERM ENDING DECEMBER 31, 2007.
- MR. PATRICK BUZBEE, REGISTERED SANITARIAN, TO SERVE A TERM ENDING DECEMBER 31, 2009.
- MR. AHMAD ADLOO, CONSUMER, TO SERVE A TERM ENDING DECEMBER 31, 2005.
- MR. CHARLES MCGUFFEY, CONSUMER, TO SERVE A TERM ENDING DECEMBER 31, 2007.
- MR. TERRANCE GRATTON, EDUCATOR, TO SERVE A TERM ENDING DECEMBER 31, 2009

Mr. Kirk Wiles, Director, Seafood Safety Division, Bureau of Food and Drug Safety, presented an appointment of an oyster dealer to fill a vacant position on the Texas Oyster Council. (*Attachment X*)

ON A MOTION MADE BY DR. ROBINSON AND SECONDED BY DR. KHAN, THE BOARD APPROVED THE REAPPOINTMENT OF MR. GILBERT GROOMER TO SERVE AS A MEMBER ON THE TEXAS OYSTER COUNCIL FOR A TERM ENDING AUGUST 31, 2003.

Ms. Pam Kaderka, Program Administrator, Respiratory Care Practitioners Program, Professional Licensing and Certification Division, presented appointments for one physician and one respiratory care practitioner to fill vacant positions on the Respiratory Care Practitioner's Advisory Committee. (*Attachment XI*)

ON A MOTION MADE BY DR. ROBINSON AND SECONDED BY DR. ANZALDUA, THE BOARD APPROVED APPOINTMENTS TO THE RESPIRATORY CARE PRACTITIONER'S ADVISORY COMMITTEE TO SERVE TERMS AS FOLLOWS:

- MR. JOHN D. UPDEGROVE, PHYSICIAN, REAPPOINTED TO SERVE A TERM ENDING JANUARY 1, 2008.
- MR. NEIL RAY ALLEN, RESPIRATORY CARE PRACTITIONER, TO SERVE A TERM ENDING JANUARY 1, 2008.

Ms. Jacquelyn McDonald, Director, Office of the Board of Health, requested approval of proposed amendments to the rule concerning the Oral Health Services Advisory Committee that will clarify procedures for the operation of the committee, bring the committee into compliance with Government Code, Chapter 2110 and continue the committee until January 1, 2007. (*Attachment XIV*)

ON A MOTION MADE BY DR. KHAN AND SECONDED BY DR. ROBINSON, THE BOARD APPROVED THE PROPOSED RULE CONCERNING THE ORAL HEALTH SERVICES ADVISORY COMMITTEE FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Debra Wanser, R.N., M.P. Aff., Associate Commissioner, Associateship for Family Health, requested approval of an amendment concerning fees for clinical health services. (*Attachment XX*)

ON A MOTION MADE BY DR. ANZALDUA AND SECONDED BY DR. ROBINSON, THE BOARD APPROVED THE PROPOSED RULE CONCERNING FEES FOR CLINICAL HEALTH

SERVICES FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Mr. Monty Waters, Assistant General Counsel, requested approval of proposed rules concerning standards for conduct governing the relationship between the Texas Department of Health and private donors and private organizations. (*Attachment XXI*)

ON A MOTION MADE BY DR. ANZALDUA AND SECONDED BY DR. ROBINSON, THE BOARD APPROVED THE PROPOSED RULES CONCERNING STANDARDS FOR CONDUCT GOVERNING THE RELATIONSHIP BETWEEN THE TEXAS DEPARTMENT OF HEALTH AND PRIVATE DONORS AND PRIVATE ORGANIZATIONS FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Jerry Felkner, D.D.S., Director, Division of Oral Health , requested approval of final rules concerning the Texas Health Steps Dental Services Program. (*Attachment XXII*)

ON A MOTION MADE BY DR. ANZALDUA AND SECONDED BY DR. ROBINSON, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING DENTAL NECESSITY AND STANDARDS OF CARE FOR THE TEXAS HEALTH STEPS DENTAL SERVICES PROGRAM TO BE EFFECTIVE 20 DAYS AFTER THE RULES ARE FILED WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Ms. Jan W. Pelosi, Director, Immunization Division, requested approval of final adoption of rules concerning the criteria for issuing yellow fever immunization stamps for physicians. (*Attachment XXIII*)

ON A MOTION MADE BY DR. ANZALDUA AND SECONDED BY MR. MCCLESKEY, THE BOARD APPROVED AN ORDER ADOPTING THE RULES CONCERNING THE CRITERIA FOR ISSUING YELLOW FEVER VACCINATION STAMPS TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Sharilyn K. Stanley, M.D., Associate Commissioner, Disease Control and Prevention, requested approval of final rules concerning immunization requirements for Texas child-care facilities, elementary and secondary schools and institutions of higher education. (*Attachment XXIV*)

ON A MOTION MADE BY DR. ANZALDUA SECONDED BY MR. HANNIGAN, THE BOARD APPROVED AN ORDER ADOPTING THE RULE CONCERNING IMMUNIZATION REQUIREMENTS IN TEXAS CHILD-CARE FACILITIES, ELEMENTARY AND SECONDARY SCHOOLS, AND INSTITUTIONS OF HIGHER EDUCATION TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Ms. Susan Tennyson, Chief, Bureau of Food and Drug Safety, requested approval of proposed rules concerning posting final enforcement actions on the Texas Department of Health Internet website for each regulatory program. (*Attachment XXV*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. MCCLESKEY, THE BOARD APPROVED THE PROPOSED RULES CONCERNING POSTING OF FINAL ENFORCEMENT ACTIONS FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Mr. Bobby Schmidt, Executive Director, State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments, requested approval of proposed amendments and new rules concerning the licensure and regulation of fitters and dispensers of hearing instruments. (*Attachment XXVI*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY DR. ANZALDUA, THE BOARD APPROVED THE PROPOSED RULES CONCERNING THE LICENSURE AND REGULATION OF FITTERS AND DISPENSERS OF HEARING INSTRUMENTS FOR

PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Pam Kaderka, Program Administrator, Respiratory Care Practitioners Program, Professional Licensing and Certification Division, requested approval of proposed amendments concerning the certification of respiratory care practitioners. (*Attachment XXVII*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY DR. ANZALDUA, THE BOARD APPROVED THE PROPOSED RULES CONCERNING RESPIRATORY CARE PRACTITIONERS CERTIFICATION PROGRAM FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Becky Berryhill, Chief, Bureau of Licensing and Compliance, requested approval of amendments to final rules concerning the registry for providers of health-related services. (*Attachment XXVIII*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING THE REGISTRY FOR PROVIDERS OF HEALTH-RELATED SERVICES TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Mr. Cecil H. Jones, Director, Consolidated Programs, Health Facility Licensing and Compliance Division, requested approval of final rules concerning the regulation of ambulatory surgical centers, based upon the department's review of the rules as required by Government Code §2001.039. (*Attachment XXIX*)

ON A MOTION MADE BY DR. KHAN AND SECONDED BY MS. SCHOLIN, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING AMBULATORY SURGICAL CENTERS TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Ms. Scholin announced that the petition received for an amendment of radiation control rules has been withdrawn. Mr. Richard Ratliff, Chief, Bureau of Radiation Control, did not present and no action was taken.

Gary R. Bego, Chief Operating Officer, presented an update on the Business Implementation Plan and the State Auditor's Office review of the plan. No action was taken.
(Attachments XXX-XXXIII)

Dr. Robinson commented for the record that she wants to be assured that the two new potential hires have expertise in process re-engineering, with specific tasks designated, and a specific timeline for completion of tasks. Dr. Robinson further expressed her opinion that the new positions should not "take a life of their own" and become permanent employees. She further stated these employees should report directly to Mr. Bego.

Mr. Hannigan requested that the Board's decisions be documented regarding the State Auditor's Office report.

Ms. Jacquelyn McDonald, Director, Office of the Board of Health, requested approval of a proposed amendment to a rule concerning the Prostate Cancer Advisory Committee that would continue the committee until September 1, 2003. (Attachment XII)

A MOTION WAS MADE BY DR. ANZALDUA AND SECONDED BY MR. MCCLESKEY, TO APPROVE THE PROPOSED RULE CONCERNING THE PROSTATE CANCER ADVISORY COMMITTEE FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

A discussion followed among Board members, Dr. Bell, Ms. McDonald and Ms. Linda Wiegman, Deputy General Counsel, regarding the continuance of this body as an advisory committee, as well as the appointments to the committee being made by the Board instead of the Commissioner. Dr. Anzaldua moved to amend his motion to include in the rule that appointments be made by the Board instead of the Commissioner. The amendment was seconded by Mr. McCleskey, and the amendment was approved.

Dr. Anzaldua called for discussion and recognized persons to give public comment.

James Kolker, M.D., Chair of the Prostate Cancer Advisory Committee, spoke in support of the continuation of the advisory committee and plans to make a presentation to the Board at the February or March 2003 Board meeting. Dr. Kolker is a Radiation Oncologist in Tyler, Texas, and Medical

Director at East Texas Medical Center Cancer Institute.

Ms. Ann Williamson, Director of the Adult Health Program, reported the Centers for Disease Control awarded a grant four years ago for comprehensive cancer and made monies available for funding for prostate cancer programs. The CDC will let them know by the end of September if the grant will continue. (*Attachment XIII*)

Lesa Walker, M.D., M.P.H., Acting Director, Children With Special Health Care Needs (CSHCN) Services Program, requested approval of proposed amendments to rules and a proposed new rule relating to the CSHCN Services Program annual budget alignment and proposed amendments to a rule relating to the CSHCN Advisory Committee. (*Attachment XV – XVII*)

A discussion followed among Board members, Dr. Walker, and Ms. Linda Wiegman, Deputy General Counsel, regarding residency issues.

Robert Warren, M.D., Ph.D., M.P.H., Chair, Children with Special Health Care Needs (CSHCN) Advisory Committee, thanked Ms. Scholin for her assistance as liaison and acknowledged the advisory committee. The Committee recommends that the proposed changes go forward to a public comment period of sixty days and commits to working with the program to review comments. They respectfully request that the Board consider approval of continuing the CSHCN Advisory Committee at their October or November 2002 meeting.

ON A MOTION MADE BY MR. HANNIGAN AND SECONDED BY DR. ROBINSON, THE BOARD APPROVED PROPOSED RULES CONCERNING THE CSHCN ANNUAL BUDGETARY ALIGNMENT AND THE ADVISORY COMMITTEE FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 60-DAY COMMENT PERIOD.

Jane Mahlow, D.V.M., M.S., Director, Zoonosis Control Division, requested approval of proposed amendments to rules concerning rabies control and eradication that would change the allowable frequency of rabies immunizations for dogs and cats from one year to three years. (*Attachment XVIII*)

A MOTION WAS MADE BY DR. KHAN AND SECONDED BY MS. SCHOLIN TO APPROVE THE PROPOSED RULES CONCERNING RABIES CONTROL AND ERADICATION FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Bob Rogers, D.V.M., Spring, spoke in support of the proposed change to a three-year vaccination.

Guy Shepard, D.V.M., Texas Veterinary Association, San Angelo, spoke in favor of current regulations and against changing them to a three-year vaccination.

Janie Carpenter, D.V.M., Texas Veterinary Association, Dallas, spoke in favor of current regulations and against changing them to a three-year vaccination.

Ann McFarland, D.V.M., San Antonio, spoke against a three-year vaccination and for a one-year vaccination.

Jackie Cole, Campeche Cove Animal Hospital, Galveston, Texas Veterinary Medical Association, spoke in support of the three-year vaccination.

Marc Cox, D.V.M., spoke against the three-year vaccination and for addressing the problem with vaccination compliance.

Rick Bonart, D.V.M., El Paso, spoke in support of the current rule for a one-year vaccination and against a three-year vaccination.

A discussion followed among Board members and Dr. Mahlow regarding the advantages and disadvantages of one and three year rabies vaccinations. The possibility of changing to a two-year vaccination was also discussed. Dr. Khan moved to amend his motion to extend the comment period to 60 days. The amendment was seconded by Ms. Scholin, and the amendment was approved.

Dr. Anzaldúa announced a recess at 3:40 p.m., on Thursday, September 5, 2002.

Dr. Anzaldúa reconvened the meeting at 8:40 a.m., on Friday, September 6, 2002. Other Board members in attendance were Dr. Beverly Robinson, Mr. Raymond Hannigan, Mr. George McCleskey, Dr. Amanullah Khan and Ms. Margo Scholin.

Ms. Jan W. Pelosi, Director, Immunization Division, requested approval of proposed rules concerning the Texas Department of Health Immunization Registry, which is a statewide repository for immunization information on Texas children. (*Attachment XIX*)

ON A MOTION MADE BY DR. ANZALDUA AND SECONDED BY DR. KHAN, THE

BOARD APPROVED THE PROPOSED RULES CONCERNING THE TEXAS DEPARTMENT OF HEALTH IMMUNIZATION REGISTRY FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 60-DAY COMMENT PERIOD.

Mr. Mark Scott, CPA, MBA, Director of Internal Audit, reported on recent internal audit activities and requested approval of the draft fiscal year 2003 Audit Plan that has been reviewed by the State Auditor's Office. (*Attachment XXXIV*)

Dr. Robinson commended Mr. Scott for including verbalized concerns of Board members regarding issues involving medical transportation and vaccine distribution, recording and accounting.

Debra Stabeno, Deputy Commissioner for Programs, reported that the State Auditor's Office did an audit of the Medical Transportation Program in the Spring and a corrective action plan has been developed. They have also worked with the State Auditor's Office of Management Administrative Services for a more in-depth program review. Commissioner Don Gilbert has assigned some of his staff to do a review of the program. A meeting with the State Auditor's Office and the Health and Human Services Commission has been scheduled for next week to discuss performing an in-depth program review within the next few months.

Mr. Hannigan asked to go on record regarding his concerns about the increase in the Medical Transportation Program expenses over a five-year period.

ON A MOTION MADE BY DR. ANZALDUA AND SECONDED BY MS. SCHOLIN, THE BOARD APPROVED THE FY 2003 AUDIT PLAN.

Ms. Machele Pharr, Chief Financial Officer, requested approval of the FY 2003 Operating Budget, including \$500,000 in general revenue dedicated funds in strategy A.3.3. Preventable Diseases that has been carried forward from FY 2002 and the FY 2003 Operating Budget Policy. (*Attachment XXXV*)

A MOTION WAS MADE BY MR. HANNIGAN AND SECONDED BY DR. KHAN, TO APPROVE THE OPERATING BUDGET POLICY.

A discussion followed among Board members, Ms. Pharr, Dr. Bell, Mr. Bego and Ms. Susan Steeg, General Counsel, regarding the Operating Budget Policy FY 2003 numbers 13 and 14. Mr. Hannigan moved to amend his motion to reword Number 13 to read: "The Operating Budget is subject to review by the internal audit," and Number 14 will be addressed with the currently proposed

rules regarding contract approval. The amendment was seconded by Dr. Khan, and the amendment was approved.

ON A MOTION MADE BY MR. HANNIGAN AND SECONDED BY MS. SCHOLIN , THE BOARD APPROVED THE FY 2003 OPERATING BUDGET, INCLUDING \$500,000 IN GENERAL REVENUE DEDICATED FUNDS IN STRATEGY A.3.3. PREVENTABLE DISEASES THAT HAS BEEN CARRIED FORWARD FROM FY 2002.

ON A MOTION MADE BY MR. HANNIGAN AND SECONDED BY DR. KHAN, THE BOARD APPROVED AN AMENDMENT TO THE FY 2003 AUDIT PLAN TO READ: THE ADMINISTRATION OF THE OPERATIONAL BUDGET BY MANAGEMENT WILL BE AUDITED BY INTERNAL AUDIT.

There were no public comments.

Dr. Anzaldua made the following announcements:

- Dr. Khan has received a Presidential Appointment to the President's Advisory Commission on Asian Americans and Pacific Islanders.
- A budget hearing will be held at 1:30 p.m. today at the Capitol Extension Building E.2.1.0.
- The next meeting of the Texas Board of Health will be held on Thursday, October 17, 2002, in Austin and Dr. Anzaldua will not be present for this meeting.

The meeting was adjourned on Friday, September 6, 2002, at 10:30 a.m.

APPROVED: October 18, 2002

Mario R. Anzaldua, M.D., Chair
Texas Board of Health

Date

George H. McCleskey, Vice-Chair
Texas Board of Health

Date